

# United States Court of Appeals For the First Circuit

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No. 16-1881

RONALD EVANS,

Petitioner,

v.

UNITED STATES,

Respondent.

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Before

Torruella, Kayatta and Barron,  
Circuit Judges.

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## JUDGMENT

Entered: August 3, 2016

Petitioner Ronald Evans seeks permission to file a second or successive motion pursuant to 28 U.S.C. § 2255, to vacate his career offender enhanced sentence. His reliance upon Johnson v. United States, 135 S.Ct. 2551 (2015) and Welch v. United States, 136 S.Ct. 1257 (2016) is misplaced, however. Those decisions have no bearing on the definition of a controlled substance offense under the guidelines, and Evans admits that two prior felony convictions of a controlled substance offense provided the basis for his sentencing as a career offender. Therefore, petitioner has failed to make the necessary "prima facie showing . . . of possible merit to warrant a fuller exploration by the district court," Evans-García v. United States, 744 F.3d 235, 237 (1st Cir. 2014) (internal quotation marks and citation omitted).

The application is denied.<sup>1</sup>

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<sup>1</sup> "Th[is] . . . denial of an authorization . . . to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari." 28 U.S.C. § 2244(b)(3)(E); see Lykus v. Corsini, 565 F.3d 1 (1st Cir. 2009); see also 2255(h).

By the Court:

/s/ Margaret Carter, Clerk

cc:

Ronald Evans  
Margaret McGaughey